

Transportation of Dangerous Goods Offences:

This guidance is not intended as training. It has been created to identify scenarios where violations of the *Transportation of Dangerous Goods Act* (TDGA), *Transportation of Dangerous Goods Regulations* (TDGR) and *Ontario Transportation of Dangerous Goods Regulations* (ONTDGR) could easily be identified for enforcement by MTO, and/or OPP Commercial Vehicle Qualified Officers designated as Inspectors under the ONTDGR. Enforcement done by them would directly impact their CVOR and insurance.

TDGA: <https://laws-lois.justice.gc.ca/eng/acts/t-19.01/>

TDGR: <https://laws-lois.justice.gc.ca/eng/regulations/sor-2001-286/>

ONTDGR: <https://www.ontario.ca/laws/statute/90d01>

Ontario Transportation of Dangerous Goods Regulation:

Offences re compliance with federal Act

3 No person shall transport any dangerous goods in a means of transport on a highway unless,

- (a) all applicable federally prescribed safety requirements are complied with;
- (b) the means of transport and all means of containment in it comply with all applicable federally prescribed safety standards and display all applicable federally prescribed safety marks; and
- (c) all applicable directions, orders or measures given or made under the federal Act are complied with. 2010, c. 16, Sched. 12, s. 1 (12).

Schedule 3.1 Dangerous Goods Transportation Act

Dangerous Goods Transportation Act

Item	Offence	Section	Set Fine
1.	Fail to comply with Federal Regulations safety requirement — no shipping document with prescribed information	3 (a)	\$400.00
2.	Fail to comply with Federal Regulations safety requirement — shipping document not in prescribed location	3 (a)	\$250.00

3.	Fail to comply with Federal Regulations safety requirement — unable to produce shipping document	3 (a)	\$400.00
4.	Fail to comply with Federal Regulations safety requirement — transporting dangerous goods while untrained	3 (a)	\$400.00
5.	Fail to comply with Federal Regulations safety requirement — permit transportation of dangerous goods by untrained employee	3 (a)	\$400.00
6.	Fail to comply with Federal Regulations safety requirement — permit transportation of dangerous goods by employee with incomplete certificate	3 (a)	\$250.00
7.	Fail to comply with Federal Regulations safety requirement — fail to give training certificate to inspector	3 (a)	\$250.00
8.	Fail to comply with Federal Regulations safety requirement — transport dangerous goods in excess of prescribed limit by passenger carrying road vehicle	3 (a)	\$400.00
8.1	Fail to comply with Federal Regulations safety standard — insecure load	3 (b)	\$400.00
9.	Fail to display prescribed safety mark — large means of containment	3 (b)	\$400.00
9.0.1	Fail to display prescribed safety mark — small means of containment	3 (b)	\$400.00
9.0.2	Fail to comply with prescribed safety standard — means of containment safety requirements	3 (b)	\$400.00

9.0.3	Fail to comply with prescribed safety standard — fail to use required or permitted means of containment	3 (b)	\$400.00
9.1	Fail to comply with federal direction	3 (c)	\$400.00
9.2	Misleading safety mark	3.1	\$400.00
10.	Fail to comply with request of inspector	10 (4) (a)	\$400.00

Scenarios:

1. You observe a pickup truck driving down the road and in the back of the truck bed you can see several jerrycans that you reasonably believe contain Gasoline (UN1203) or Diesel Fuel (UN1202). The jerrycans are not secured.



Section 5.4 of the TDGR provides as follows:

A person must load and secure dangerous goods in a means of containment and must load and secure the means of containment on a means of transport in such a way as to prevent, under normal conditions of transport, damage to the means of containment or to the means of transport that could lead to an accidental release of the dangerous goods.

If the jerrycan or cans¹ are not secured this would be a violation of the TDGA paragraph 5(a) which states as follows:

5 *No person shall import, offer for transport, handle or transport any dangerous goods unless*

(a) *the person complies with all safety requirements and security requirements that apply under the regulations;*

The TDGR provides several exemptions to allow the public to transport dangerous goods relieving them of some of the requirements of the regulation. As an example, Section 1.15 - [150 Kg Gross Mass Exemption](#) provides relief from having a shipping document, having placards on the vehicle or that the operator be trained. The requirement however provides

¹ This would also apply to items like Drums, Cylinders or Intermediate Bulk Containers (IBC)

that the means of containment (each jerrycan) cannot exceed a gross mass of 30 KG and cannot exceed the total gross mass of 150 KG. (1 litre of fuel = 1Kg)

If you have more than 5 or 6 jerrycans then this exemption could not be applied. Similarly, if the fuel is in a drum or IBC then this exemption could not be applied.

There is an additionally the Section 1.16 - [500 Kg Gross Mass Exemption](#) which provides similar relief however again the means of containment (each jerrycan) cannot exceed a gross mass of 30 KG and cannot exceed the total gross mass of 500 KG. The driver would need to be trained and present a training certificate and the shipment would need to be accompanied by a document that specifies the primary class (Class 3) and the number of small means of containment (Jerricans). Again, if the fuel is in a drum or IBC this exemption could not be applied.

If the driver does not have training or can present proof of training and/or does not have a document, then this would be a violation of TDGA paragraphs 5(a) and (b) which states as follows:

5 No person shall import, offer for transport, handle or transport any dangerous goods unless

(a) the person complies with all safety requirements and security requirements that apply under the regulations;

(b) the goods are accompanied by all documents that are required under the regulations;

If violations are identified the driver would not be allowed to operate the vehicle and the vehicle could be detained and removed from the roadway for other safety reasons.



Sample Training Certificate	
Transportation of Dangerous Goods Training Certificate	
Rick [Redacted]	
Name of Employer [Redacted]	
Address of Employer [Redacted]	
Barrie, ON, L4M 4T2	
[Redacted]	
[Redacted]	
[Redacted]	
Trained in the (choose as applicable) handling/offering for transport/transporting:	
☒	Classification: Classes 1/2/3/4/5/6/8/9
☒	Shipping Names
☒	The Use of Schedules 1, 2 and 3
☒	Documentation
☒	Dangerous Goods Safety Marks
☒	Means of Containment
☒	Emergency Response Assistance Plans
☒	Accidental Release & Imminent Accidental Release Report
☒	Requirements
☒	Safe Handling & Transportation Practices & Characteristics of DGs
☒	Emergency Measures Taken to Reduce or Eliminate Danger to the Public
☒	The Proper Use of Equipment Used to Handle or Transport DGs
Trained with Internal Based Training at YOW Canada Inc. www.yowcanada.com	
Expires on (mm,dd,yyyy): 6/16/2021	

2. You observe an open truck driving down the road and in the back of the truck bed you can see Drums or an IBC that you reasonably believe contain Gasoline (UN1203) or Diesel Fuel (UN1202).

Again, the TDGR provides relief for such situation.

Section 1.35 [UN1202 Diesel Fuel or UN1203](#)

[Gasoline, Exemption](#).

This exemption provides relief from the requirement for a shipping document, placards or the UN Number and training if all the requirements set out in the exemption are met.

Including:

- (a) The label or placard on the means of containment (Drum or IBC) are visible from outside the truck
- (b) If (a) cannot be met then a single placard is visible on the side or end of the vehicle
- (c) The total capacity does not exceed 2000 Litres.

If these requirements are not met then a number of violations are committed including but not limited to:



Failing to have a Shipping Document, a violation of TDGA paragraph 5 (b) which states as follows:

5 No person shall import, offer for transport, handle or transport any dangerous goods unless

(b) the goods are accompanied by all documents that are required under the regulations;

Failing to have safety marks (Placards or Labels) and/or Shipping Name, a violation of TDGA paragraphs 5 (d) which states as follows:

5 No person shall import, offer for transport, handle or transport any dangerous goods unless

(d) the means of containment and means of transport comply with all safety standards that apply under the regulations and display all applicable safety marks in accordance with the regulations.

Failing to have training or present proof of training, a violation of TDGA paragraph 5(a) which states as follows:

5 No person shall import, offer for transport, handle or transport any dangerous goods unless

(a) the person complies with all safety requirements and security requirements that apply under the regulations;

If violations are identified the driver would not be allowed to operate the vehicle and the vehicle could be detained and removed from the roadway for other safety reasons.

Gasoline or diesel fuel must also be in a means of containment selected and used for that purpose in accordance with CSA, Transport Canada and CGSB Standards. There are additionally requirements for periodic testing of means of containment.

5 No person shall import, offer for transport, handle or transport any dangerous goods unless

(d) the means of containment and means of transport comply with all safety standards that apply under the regulations and display all applicable safety marks in accordance with the regulations.

There are several other violations relating to this. It would likely be necessary to consult with a Transport Canada Inspector or a TDG trained MTO Inspector for this purpose.

TDG Inspectors will be available operating with Ottawa Police if consultation is required.

3. You observe a highway tank on the road or parked in a lot being used to fill other means of containment IBCs, Drums or Jerrycans, that you reasonably believe contains Gasoline (UN1203), Diesel Fuel (UN1202)



These types of means of containments are required to be selected and used in accordance with CSA Standard B621 Selection and use of highway tanks, TC portable tanks, and other large containers for the transportation of dangerous goods, Classes 3, 4, 5, 6.1, 8, and 9 and periodic testing requirements in accordance with CSA B620 Highway tanks and TC portable tanks for the transportation of dangerous goods. They would additionally require safety marks and shipping documents.

Failing to have shipping documents, a violation of TDGA paragraph 5(b) which states as follows:

5 No person shall import, offer for transport, handle or transport any dangerous goods unless

(b) the goods are accompanied by all documents that are required under the regulations;

Failing to have selected or tested the MOC correctly or have safety marks would be a violation of TDGA paragraph 5(d) which states as follows:

5 No person shall import, offer for transport, handle or transport any dangerous goods unless

(d) the means of containment and means of transport comply with all safety standards that apply under the regulations and display all applicable safety marks in accordance with the regulations.

It would likely be necessary to consult with a Transport Canada Inspector or a TDG trained MTO Inspector for these violations.

4. You observe cylinders in a pickup truck that you reasonably believe contain Propane (UN1075 or UN1978) or stationary tanks that you reasonably believe contain Propane (UN1075 or UN1978) being used to fill cylinders or other purpose.



Section 5.4 of the TDGR provides as follows:

A person must load and secure dangerous goods in a means of containment and must load and secure the means of containment on a means of transport in such a way as to prevent, under normal conditions of transport, damage to the means of containment or to the means of transport that could lead to an accidental release of the dangerous goods.

If the cylinders are not secured this would be a violation of the TDGA paragraph 5(a) which states as follows:

5 No person shall import, offer for transport, handle or transport any dangerous goods unless

(a) the person complies with all safety requirements and security requirements that apply under the regulations;

Means of containments are required to be selected and used and be periodically tested in accordance with CSA Standards They would additionally require safety marks and shipping documents.

Failing to have selected or tested the MOC correctly or have safety marks would be a violation of TDGA paragraph 5(d) which states as follows:

5 No person shall import, offer for transport, handle or transport any dangerous goods unless

(d) the means of containment and means of transport comply with all safety standards that apply under the regulations and display all applicable safety marks in accordance with the regulations.

It would likely be necessary to consult with a Transport Canada Inspector or a TDG trained MTO Inspector for these violations.